IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

Bail Appl..No. 1782 of 2007()

CC.3/2004 of J.M.F.C.-I, KANNUR
CRIME NO.572/2000 OF KANNUR TOWN POLICE STATION

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PETITIONER/ACCUSED NO.4

LATHEESH P.M., S/O.RAGHAVAN,
P.O. BOX.NO.25895, PIN 13119
SAFAT, KUWAIT.

BY ADV. SRI.M.K.SUMOD
SRI.KAUSER EDAPPAGATH

RESPONDENTS: STATE

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1. THE S.H.O., KANNUR TOWN POLICE STATION,
KANNUR.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1782/2007

Dated this 23rd day of March, 2007

O R D E R

The petitioner, who is the husband of the defacto complainant and the fourth accused in Crime No.572/2000 of Kannur Town Police Station for offences punishable under Sections 498-A and 323 IPC read with Section 34 IPC, seeks anticipatory bail.

2. Consequent on the non appearance of the petitioner in C.C.No.451/2000 on the file of the J.F.C.M-I, Kannur, the case against him was split up and re-filed as C.C.No.3/2004. The case has been transferred to the long pending register as L.P.No.75/2004. Non bailable warrants of arrest are pending against the petitioner. It is the case of the petitioner that the defacto complainant had subsequently obtained a divorce and has re-married. These are all matters which the petitioner may profitably raise before the Magistrate, after surrendering before him. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail.

3. Accordingly if the petitioner surrenders before the

Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed, after considering the contentions of the petitioner that the defacto complainant has since obtained a divorce and has re-married and has also begotten a child.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs